

**10/586415**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**18 JUL 2006**

Applicants: Bartizal et al.

Serial No. TBD

Filed: July 18, 2006

For: 6,11-3C-BICYCLIC 8A-AZALIDE DERIVATIVES

Art Unit: TBDExaminer: TBD

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

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## INFORMATION DISCLOSURE STATEMENT

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

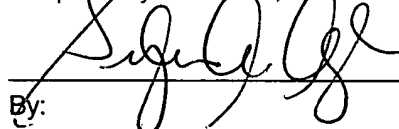
RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☒ the attached information is filed within three months of the filing date of the captioned case.
- ☐ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is filed before the mailing of a first Office action after the filing of a request for continued examination under §1.114.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action, Notice of Allowance, or an action that otherwise closes prosecution in the application. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application *and this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.*
- ☐ no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,



By:

Attorney \_\_\_\_\_ For Applicant(s)

Reg. No. 36,436

MERCK & CO., INC.

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(732)594-4909

Date: July 18, 2006

Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE</b> <b>STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>COMPLETE IF KNOWN</b>		
			Application Number	TBD <b>10/586415</b>	
			Filing Date	July 18, 2006	
			First Named Inventor	Bartizal et al.	
			Group Art Unit	<b>AP20 Rec'd PCT/PTO 18 JUL 2006</b>	
Examiner Name					
Sheet	1	of	3	Attorney Docket Number	21610Y

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
		4474768		Bright	10/02/1984
		4517359		Kobrehel et al.	05/14/1985
		US20040157787		Or et al.	08/12/2004
		US20040053861		Or et al.	03/18/2004
		US2004/0171818		Xu et al.	09/02/2004
		6764998		Wang et al.	07/20/2004
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		4670549		Morimoto et al.	06/02/1987

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
			WO 98/56801		Pfizer Products Inc.	12/17/1998
			WO 98/56802		Pfizer Products Inc.	12/17/1998
			WO 99/00124		Merck & Co. Inc.	01/07/1999
			WO 99/00125		Merck & Co. Inc.	01/07/1999
			WO 99/19331		Merck & Co. Inc.	10/13/1998
			EP 0007614		Merck & Co. Inc.	02/06/1980
			EP 260938		Taisho Pharmaeutical Co. Ltd.	09/18/1986

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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Sheet	2	of	3	Attorney Docket Number	21610Y

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		S. M. Berge et al., "Pharmaceutical Salts", 1977, pp. 1-19, Vol. 66, No. 1., J. of Pharmaceutical Sciences.
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NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Rathke et al., "The Horner-Wadsworth-Emmons Modification of the Wittig Reaction Using Triethylamine and Lithium or Magnesium Sals", 1985, pp. 2624-2626, J. Org. Chem.
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Examiner Signature		Date Considered	
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